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10/074,283	02/11/2002	Eriko Osato	10745/58	4983

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 February 2002</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 17 and are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al.

Regarding claim 1, Christensen discloses an automatic purchase system for ordering and delivering media content that provides a radio broadcast listener with the ability to purchase media content such as music or speech while listening to the radio. The user can respond to items in the radio broadcast such as advertisements fund drives or interactive listener polls. A reference number representing song title and artist, author or publisher and the IP address of the location where the digital version of the content is stored, using a Radio Broadcast Data systems. Thus, Christensen discloses a method of retrieving information of at least one event. Christensen meets the following claim limitations:

recording at least one time period associated with at least one event from a schedule of a plurality of events; (paragraph 0080 – the station has a set playlist for the day)

monitoring the at least one event of the schedule of the plurality of events and

updating at least one database with an unscheduled plurality of events that is combined

with the schedule of the plurality of events to form a revised schedule of a plurality of

events; (paragraphs 0016 and 0080 – the listener may get information on advertisements

and typically advertisements are stored separately and have a short turnaround from the

playlist format   and computer -manipulated to form what goes out over the airwaves.

Thus, a server having what the consumer is specifically seeking for a time period will

have the combined database. Christensen allows for a reference number associated with

the different components of a broadcast)

selecting at least one parameter to retrieve requested information associated with

at least one event from the updated at least one database. (paragraph 0016 and 22 –

advertisement and associated reference number)

Regarding claim 2, Christensen meets the limitation - The method of retrieving

information of at least one event according to Claim 1, wherein the at least one event is at least

one television show (paragraphs 0093 and 0094 –Christensen applies to television also).

Regarding claim 3, Christensen meets the limitation - The method of retrieving

information of at least one event according to Claim 1, wherein the at least one event is at least

one radio show (paragraph 0021).

Regarding claim 4, Christensen meets the limitation - The method of retrieving

information of at least one event according to Claim 1, wherein the at least one parameter is

selected from the group consisting of: at least one location area where the at least one event

occurred and at least one type of service medium where the at least one event was broadcasted.

(paragraph 0032 –type of program)

Regarding claim 5, Christensen meets the limitation -. The method of retrieving

information of at least one event according to Claim 1, wherein the requested information

associated with the at least one event is retrieved in exchange for information on at least one user

who receives the information associated with the at least one event. (Christensen achieves this

through billing the customer – paragraph 0038)

Regarding claim 6, Christensen meets the limitation -. The method of retrieving

information of at least one event according to Claim 1, wherein the requested information

associated with the at least one event is at least one electronic message. (Christensen allows the

message to obtain on a personal URL - paragraph 0017)

Regarding claim 7, Christensen discloses an automatic purchase system for ordering and

delivering media content that provides a radio broadcast listener with the ability to purchase

media content such as music or speech while listening to the radio. The user can respond to

items in the radio broadcast such as advertisements fund drives or interactive listener polls. A

reference number representing song title and artist, author or publisher and the IP address of the

location where the digital version of the content is stored, using a Radio Broadcast Data systems.

Thus, Christensen discloses a method of retrieving information of at least one event. Christensen meets the following claim limitations:

recording at least one time period associated with at least one event from a

schedule of a plurality of events; (paragraph 0080 – the station has a set playlist

for the day)

monitoring the at least one event of the schedule of the plurality

of events and updating at least one database with an unscheduled

plurality of events that is combined with the schedule of the plurality of

events to form a revised schedule of a plurality of events; (paragraphs 0016 and

0080 – the listener may get information on advertisements and typically

advertisements are stored separately and have a short turnaround from the playlist

format   and computer -manipulated to form what goes out over the airwaves.

Thus, a server having what the consumer is specifically seeking for a time period

will have the combined database. Christensen allows for a reference number

associated with the different components of a broadcast) and

selecting at least one parameter to retrieve at least one electronic message

from the updated at least one database. (paragraph 0016 and 0022 – advertisement

and associated reference number)

Regarding claim 17, Christensen discloses an automatic purchase system for ordering and delivering media content that provides a radio broadcast listener with the ability to purchase

media content such as music or speech while listening to the radio. The user can respond to items in the radio broadcast such as advertisements fund drives or interactive listener polls. A reference number representing song title and artist, author or publisher and the IP address of the location where the digital version of the content is stored, using a Radio Broadcast Data systems. Thus, Christensen discloses a method of retrieving information of at least one event. Christensen meets the following claim limitations:

> recording at least one time period associated with at least one event from a schedule of a plurality of events; (paragraph 0080 – the station has a set playlist for the day)

> monitoring the at least one event of the schedule of the plurality of events and updating at least one database with an unscheduled plurality of events; (paragraphs 0016 and 0080 – the listener may get information on advertisements and typically advertisements are stored separately and have a short turnaround from the playlist format and computer -manipulated to form what goes out over the airwaves. Thus, a server having what the consumer is specifically seeking for a time period will have the combined database. Christensen allows for a reference number associated with the different components of a broadcast) and

> selecting at least one parameter to retrieve requested information associated with at least one event from the updated at least one database. (paragraph 0016 and 22 – advertisement and associated reference number)

Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Liebenow.

Regarding claim 13, Liebenow discloses a method, system , signal, and software that
maintains an electronic program guide that includes episode identifier associated with program
information. The method includes keeping a database of selected information and using the
information in he database to specify programs or actions associated with specified programs. A
terminal comprising:

> means for recording at least one time period associated with at
>
> least one event from a schedule of a plurality of events; (col. 5, line14 to col. 6,
>
> line 47 and Figure 1, ref. 140) and
>
> means for selecting at least one parameter to retrieve requested
>
> information associated with the at least one event. (col. 5, line14 to col. 6, line 47
>
> and Figure 1)

Regarding claim 14, Liebenow discloses a method, system , signal, and software that
maintains an electronic program guide that includes episode identifier associated with program
information. The method includes keeping a database of selected information and using the
information in he database to specify programs or actions associated with specified programs.
Liebenow meets the following limitations:

> a database comprising: wherein the database records information
>
> associated with a schedule of a plurality of events and monitors the recorded
>
> information associated with the schedule of the plurality of events to update the at

least one database with information associated with an unscheduled plurality of

events that is combined with the recorded information associated with the

scheduled plurality of events to form a revised schedule of a plurality of events.

(col. 5, line14 to col. 6, line 47 – there is a monitoring of regularly scheduled

downloads at a specific time. The database is monitored to assure differences and

updated to show differences.)

Regarding claim 15, Liebenow discloses a method, system , signal, and software that

maintains an electronic program guide that includes episode identifier associated with program

information. The method includes keeping a database of selected information and using the

information in he database to specify programs or actions associated with specified programs.

Liebenow meets the following limitations:

A database comprising:

wherein the at least one database records information associated with a

schedule of a plurality of events and monitors the recorded information associated

with the schedule of the plurality of events to update the at least one database with

information associated with an unscheduled plurality of events (col. 5, line14 to

col. 6, line 47 – there is a monitoring of regularly scheduled downloads at a

specific time. The database is monitored to assure differences and updated to

show differences.)

Regarding claim 16, Liebenow discloses a method, system , signal, and software that

maintains an electronic program guide that includes episode identifier associated with program

information. The method includes keeping a database of selected information and using the

information in he database to specify programs or actions associated with specified programs.

Thus, Liebenow discloses a method of retrieving information of at least one event. Liebenow

meets the following limitations:

> recording at least one time period associated with at least one
>
> event from a schedule of a plurality of events (col. 5, line14 to col. 6, line 47 – the
>
> program guide calls for r regularly scheduled taping on a TV show); and
>
> selecting at least one parameter to retrieve requested information
>
> associated with at least one event. (col. 5, line14 to col. 6, line 47 – a parameter is
>
> the recording quality)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims ---- are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et

al., in view of Chen et al..

Regarding claim 8, Christensen discloses an automatic purchase system for ordering and

delivering media content that provides a radio broadcast listener with the ability to purchase

media content such as music or speech while listening to the radio. The user can respond to

items in the radio broadcast such as advertisements fund drives or interactive listener polls. A

reference number representing song title and artist, author or publisher and the IP address of the

location where the digital version of the content is stored, using a Radio Broadcast Data systems.

Thus, Christensen discloses a method of retrieving information of at least one event. Christensen

meets the following claim limitations: A system for retrieving information on at least one event,

the system comprising:

at least one first server having at least one database, wherein

information associated with a schedule of a plurality of events is

recorded on the at least one database; (paragraph 0080- the automated set

playlist of the radio station)

at least one second server in connection with the at least one

first server, wherein the at least one second server having at least one

database that records the information associated with the schedule of

the plurality of events and monitors the recorded information

associated with the schedule of the plurality of events to update the at

least one database with information associated with an unscheduled

plurality of events that is combined with the recorded information

associated with the schedule of the plurality of events to form a revised schedule

of a plurality of events; (paragraphs 0016 and 0080 – the listener may get

information on advertisements and typically advertisements are stored separately

and have a short turnaround from the playlist format   and computer -manipulated

to form what goes out over the airwaves. Thus, a server having what the

consumer is specifically seeking for a time period will have the combined

database. This provides the broadcast segment of interest to the consumer and is

the complete playlist database plus ay commercials, etc. that are part of the

broadcast segment in total. [paragraph 0043] Christensen allows for a reference

number associated with the different components of a broadcast)

Christensen does not provide for a terminal that connects to the playlist database directly.

Chen discloses an automated consumer response system enabling consumers to respond to publicly broadcast information. Chen includes a consumer transmitter as the enabling tool. Chen meets the following limitation:

> at least one terminal in connection with the at least one first
>
> server, wherein the at least one terminal selects at least one parameter
>
> to retrieve requested information associated with at least one event
>
> from the update of the at least one database. (col. 3, lines 21-43)

Christensen and Chen are combinable because they share a common endeavor, namely, consumer ordering of media broadcast content. At the time of the applicant's invention it would have been obvious to modify Christensen to include a means for direct selection of the item of interest from the playlist database as done by Chen in order to avoid additional steps that could lead to errors in processing.

Regarding claim 18, Christensen discloses an automatic purchase system for ordering and delivering media content that provides a radio broadcast listener with the ability to purchase media content such as music or speech while listening to the radio. The user can respond to items in the radio broadcast such as advertisements fund drives or interactive listener polls. A reference number representing song title and artist, author or publisher and the IP address of the location where the digital version of the content is stored, using a Radio Broadcast Data systems. Thus, Christensen discloses a method of retrieving information of at least one event. Christensen

meets the following claim limitations: A system for retrieving information on at least one event,

the system comprising:

at least one first server having at least one database, wherein

information associated with a schedule of a plurality of events is recorded on the

at least one database; (paragraph 0080- the automated set playlist of the radio

station)

at least one second server in connection with the at least one

first server, wherein the at least one second server having at least one

database that records the information associated with the schedule of

the plurality of events and monitors the recorded information

associated with the schedule of the plurality of events to update the at

least one database with information associated with an unscheduled

plurality of events; (paragraphs 0016 and 0080 – the listener may get

information on advertisements and typically advertisements are stored separately

and have a short turnaround from the playlist format   and computer -manipulated

to form what goes out over the airwaves. Thus, a server having what the

consumer is specifically seeking for a time period will have the combined

database. This provides the broadcast segment of interest to the consumer and is

the complete playlist database plus ay commercials, etc. that are part of the

broadcast segment in total. [paragraph 0043] Christensen allows for a reference

number associated with the different components of a broadcast)

Christensen does not provide for a terminal that connects to the playlist database directly.

Chen discloses an automated consumer response system enabling consumers to respond

to publicly broadcast information. Chen includes a consumer transmitter as the enabling tool.

Chen meets the following limitation:

> at least one terminal in connection with the at least one first
>
> server, wherein the at least one terminal selects at least one parameter
>
> to retrieve requested information associated with at least one event
>
> from the update of the at least one database. (col. 3, lines 21-43)

Christensen and Chen are combinable because they share a common endeavor, namely,

consumer ordering of media broadcast content. At the time of the applicant's invention it would

have been obvious to modify Christensen to include a means for direct selection of the item of

interest from the playlist database as done by Chen in order to avoid additional steps that could

lead to errors in processing.

> at least one terminal in connection with the at least one first
>
> server, wherein the at least one terminal selects at least one parameter
>
> to retrieve requested information associated with at least one event
>
> from the updated at least one database.

Regarding claim 9, Chen meets the limitation - The system for retrieving information of

at least one event according to Claim 8, wherein the at least one terminal is at least one cellular

phone (col. 3, lines 21-43)

Regarding claim 10, Chen meets the limitation - The system for retrieving information of

at least one event according to Claim 8, wherein the at least one parameter is selected from the

group consisting of: at least one location area where the at least one event occurred and at least

one type of service medium where the at least one event was broadcasted. (col. 3, lines 21-43 –

Chen allows for choosing a station ID at the terminal)

Regarding claim 11, Chen meets the limitation - The system for retrieving information of

at least one event according to Claim 8, wherein the connection between the at least one first

server and the at least one second server is a wireless connection through at least one network.

(Chen allows for wireless connection between the various automated databases - col. 4, lines 18-

37)

Regarding claim 12, Chen meets the limitation - The system for retrieving information of

at least one event according to Claim 8, wherein the connection between the at least one first

server and the at least one terminal is a wireless connection through at least one network. (Chen

allows for wireless connection - col. 4, lines 18-37)

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Pocock discloses a system that allows radio broadcast listeners to use a telephone

to connect to a database that contains prerecorded audio description of materials played

by the radio station.

Jain discloses a multi-perspective viewer for content based interactivity.

Any inquiry concerning this communication from the examiner should be addressed to

Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached

between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703)

872-9306.

Any inquiry of a general nature or relating to this application should be directed to the

group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

July 23, 2004

NICK CORSARO
PATENT EXAMINER